

## Article - Estates and Trusts

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§4–512.

(a) Whenever a hospital refers an individual who is dead or whose death is imminent to a procurement organization to ascertain whether the individual has made an anatomical gift, the organization shall make a reasonable search of any donor registry that the hospital knows exists for the geographical area in which the individual resides.

(b) (1) When a hospital refers an individual who is dead or whose death is imminent to a procurement organization, the organization may conduct any reasonable examination necessary to ensure the medical suitability of a part that is or could be the subject of an anatomical gift for transplantation, therapy, research, or education.

(2) During the examination period, measures necessary to ensure the medical suitability of a part from a prospective donor:

(i) May not be withdrawn unless the hospital or procurement organization knows that the individual expressed a contrary intent; and

(ii) May be administered, unless it is determined that the administration of those measures would not provide the prospective donor with appropriate end-of-life care consistent with reasonable medical judgment.

(c) Unless prohibited by law other than this subtitle, at any time after a donor's death, the person to which a part passes under § 4–509 of this subtitle may conduct a reasonable examination necessary to ensure the medical suitability of the body or part for its intended purpose.

(d) Unless prohibited by law other than this subtitle, an examination under subsection (b) or (c) of this section may include an examination of all medical and dental records of the donor or prospective donor.

(e) On the death of a minor who was a donor or had signed a refusal, unless a procurement organization knows that the minor is emancipated, the procurement organization shall conduct a reasonable search for the parents of the minor and provide the parents with an opportunity to revoke or amend the anatomical gift or revoke the refusal.

(f) (1) On a referral by a hospital under subsection (a) of this section, a procurement organization shall make a reasonable search for a person listed in § 4–507 of this subtitle having priority to make an anatomical gift on behalf of a prospective donor.

(2) If a procurement organization receives information that an anatomical gift to any other person was made, amended, or revoked, the procurement organization shall promptly advise the other person of all relevant information.

(g) (1) Subject to §§ 4–509(i) and 4–519 of this subtitle, after the death of the donor, the rights of a person to which a part passes under § 4–509 of this subtitle are superior to the rights of all others with respect to the part.

(2) The person to which a part passes under § 4–509 of this subtitle may accept or reject an anatomical gift in whole or in part.

(3) Subject to the terms of a document of gift and this subtitle, a person that accepts an anatomical gift of an entire body may allow embalming, burial, or cremation, and the use of remains in a funeral service.

(4) If an anatomical gift of a part is made under § 4–509 of this subtitle, on the death of the donor and before embalming, burial, or cremation, the person to which the part passes shall have the part removed without unnecessary mutilation.

(h) A physician who attends a decedent at death and a physician who determines the time of a decedent's death may not participate in the procedures for removing or transplanting a part from the decedent.

(i) (1) A physician or technician may remove a donated part from the body of a donor that the physician or technician is qualified to remove.

(2) An organ procurement organization may recover a donated body part from the body of a donor on behalf of an eye bank or tissue bank.

(j) Each hospital in the State shall enter into an agreement or affiliation with a procurement organization for coordination of procurement and use of anatomical gifts.

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